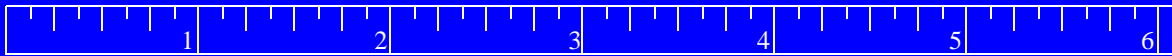


# THE RULE (WRITE)R'S EDGE



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## A MESSAGE FROM SECRETARY BAYLESS

**BETSEY BAYLESS**  
*Secretary of State*

**O**ur staff is committed to helping rulewriters write clear and concise rules for publication in the *Administrative Register* and *Code*.

To assist your efforts, our office has implemented a few posi-

itive changes the past several months.

If you have any questions about the rulemaking process, or would like to see a topic addressed in this newsletter, please call, fax, mail, or e-mail us. The contact information can be found on page 2 and 4.



## *Small changes have been making a big difference to Arizona rulewriters*

**MIMI GRIFFITHS**  
*Director, Public Services Division*

**R**honda Paschal, *Administrative Register* editor, has been preparing letters listing editing changes that should be made to proposed rulemaking packages.

Through these letters many rulewriters are learning style and format requirements for publication.

Following the instructions in these letters has made a difference in the quality of final rulemaking packages.

The letters have also helped rulewriters learn where to find the answers in the *Arizona Rulemaking Manual*.

Another change making a difference is our staff's review of documents when you submit them for filing and publication in our office.

You have probably noticed by now the *Code* and *Register* editors have been making an effort to

review each rule package to make sure it is complete.

An incorrect signature on an agency certificate, missing agency receipts, and improper text formatting are just a few of the things we have caught that may have delayed publication of some rulemaking packages.

The editors are also trying to catch another oversight being made by rulewriters in rule packages – the incorrect scheduling of public hearing dates when submitting proposed rules.

A.R.S. § 41-1023 (B) of the Arizona Administrative Procedure Act states agencies shall wait *at least 30 days after publication of the notice of the proposed rulemaking* before scheduling a public hearing.

Remember, there is a three-week delay between the deadline for submission of a document and its publication in the *Arizona Administrative Register*.

The *Register* contains the publication dates. Confirm these

dates on your own calendar as well. A wrong public meeting time and date means you have to reschedule the meeting, and you also have to submit a Notice of Public Information for *Register* publication.

We have received a positive response to these changes this past year.

Working together we hope to continue to improve your skills and knowledge as a rulewriter.

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# Editing rules – It's a matter of STYLE

**R. SCOTT CANCELOSI**

*Administrative Code Editor*

'Why? Why do we have to submit and edit our rule packages that way?'

As the state's *Administrative Code* editor the past two and a half years, I have heard this question from many rulewriters.

My response to many of you has been – 'Have you checked your *Arizona Rulemaking Manual*?'

You would be surprised how many rulewriters are out there without one. Many of the answers can be found within its pages.

The *Manuals* are available through our office for \$5 – a small price to pay for peace of mind when 'making' a rule, from opening a docket to preparing and submitting the final rule package.

Success as a rulewriter only comes from acquiring a manual and using it. Unless it's used often, rulewriters won't know where to locate basic principles of the rulemaking process.

Refer to the guidelines inside the *Arizona Rulemaking Manual* and make notes in it as you learn.

## **Be clear, concise, and consistent**

Think about it, rulewriters. You are the experts in your field.

You know what the terms mean. You understand the formulas. But would someone outside your field understand your rules?

Remember the audience, the people who will be reading the rule. Would they understand the terms and jargon used?

Most people read at a sixth to eighth grade reading level. Don't try to impress. 'If rules are clearly written, they should not need to be rewritten for informational brochures or guidebooks.' (Page 2-1, *Arizona Rulemaking Manual*).

Be consistent. Many rule packages are submitted with a word capitalized in one Section, and lowercase in another Section. Numerals are spelled out, then the Arabic number is used (see *Reviewing the Basics*, page 3).

## **It just ain't my style**

Our office realizes sometimes agencies have different attorneys writing each Section. But, when the package all comes together, the rules should be consistent. Be consistent with the SOS's guidelines on rulewriting style. Be consistent in format and organization of your rule packages.

Rulewriters, you need to be consistent in every rule you produce.

The editors at the Secretary of State's office attempt to print each Chapter as error free as possible and make the styles between Sections consistent.

With your help, we can all make every Chapter in the *Arizona Administrative Code* clear, concise, understandable, and consistent.

The style guidelines can be found in Section 3 of the *Arizona Rulemaking Manual*.

## **Style is created**

If you think rulewriting style is just made, you're wrong – it's created. I know some of you think that the editors at the SOS office sat around brainstorming and made up all of these guidelines and style rules. We didn't. Honest. In fact, much of the style over the years has come from and been created from input from rulewriters like yourself (see *Join the Team*, page 3).

## **Check the sources**

Our rulewriting style and formatting guidelines come from a number of different sources. Our style is a combination of English standards and business writing style. Check the back of the rule-making manual for bibliography information.

## THE RULE<sup>(WRITE)</sup>R'S EDGE

*The Office of the Secretary of State is an equal opportunity employer. Requests for alternate formats and/or accommodations can be made five days in advance by contacting the Secretary of State ADA Coordinator at (602) 542-4285.*

*The Rule(write)r's Edge* is a quarterly publication of the Arizona Secretary of State's Office, Public Services Division. Comments, letters, suggestions, and other correspondence may be mailed to the Department at 1700 West Washington, 7th Floor, Phoenix, Arizona 85007; called in, (602) 542-4086; faxed, (602) 542-4366; or e-mailed, mgriffiths@mail.sosaz.com. Subscriptions are available free of charge to all state agency personnel involved in the rulemaking process and to those individuals or companies who subscribe to the full edition of the *Arizona Administrative Code*.

**Secretary of State:** Betsey Bayless

**Director:** Public Services Division, Mimi Griffiths

**Editors:** *Arizona Administrative Code*, Scott Cancelosi;  
*Arizona Administrative Register*, Rhonda Paschal

**Staff:** Vickie Bracamonte, Yvonne Gonzales, Alice Guzman,  
Linda Stuart, Ramona Ziegler



# Preamble questions updated with new APA

**RHONDA PASCHAL**

*Administrative Register Editor*

As the last newsletter pointed out, Laws 1998, Ch. 57, became effective August 21, 1998. Since that time I have been letting agency representatives know about the new requirements for the preamble questions. For now we are asking rulewriters to please update your rulemaking forms in Section 10 of your *Arizona Rulemaking Manual* with the following outline to the right.

In the Notice of Final Rulemaking preamble, question #7 is the same as question #6 to the right. Once you have incorporated the new question #7 into the preamble, renumber the other questions accordingly.

New forms are now available through our office. I will be sending them out as I review your proposed rulemaking packages.

## New Proposed Preamble Form PREAMBLE

- | <u>1. Sections Affected</u>  | <u>Rulemaking Action</u> |
|--|--------------------------|
| 2. <u>The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):</u>  |                          |
| 3. <u>A list of all previous notices appearing in the Register addressing the proposed rule:</u>   |                          |
| 4. <u>The name and address of agency personnel with whom persons may communicate regarding the rulemaking:</u>   |                          |
| 5. <u>An explanation of the rule, including the agency's reasons for initiating the rule:</u>  |                          |
| 6. <u>A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:</u> |                          |
| 7. <u>A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:</u>  |                          |
| 8. <u>The preliminary summary of the economic, small business, and consumer impact:</u>  |                          |
| 9. <u>The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:</u>  |                          |
| 10. <u>The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:</u>  |                          |
| 11. <u>Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:</u>   |                          |
| 12. <u>Incorporations by reference and their location in the rules:</u>  |                          |
| 13. <u>The full text of the rules follows:</u>   |                          |

## Reviewing the Basics

Add these few simple items to your check lists before you submit any rulemaking package to our office. The page numbers refer to at least one of the pages in the *Arizona Rulemaking Manual*.

- ☐ Numbers – make sure they are all Arabic (page 3-28)
- ☐ First, second, third – change to 1st, 2nd, 3rd
- ☐ Herein and other problem words (pages 3-16, 4-3)
- ☐ Commas (page 4-5)
- ☐ Dates (pages 3-11, commas in dates 3-8)
- ☐ Do not put the word “Rule” in any heading – including Section headings (page 4-3)
- ☐ Capitalize – Chapter, Article, Section, but *NOT* subsection (page 3-5); other capitalization (page 4-1)
- ☐ Latin phrases (page 3-1)
- ☐ Percent (page 4-5)
- ☐ Plurals (pages 3-29; 4-5)
- ☐ Abbreviations (page 7-16)

### THE PACKAGE – R1-1-103

- ☐ Spell checked (page 4-5)
- ☐ 1 original, 4 copies?
- ☐ Is the ENTIRE package double-spaced? On 1 side of a page?
- ☐ 2 receipts? (pages 4-5; 8-6)
- ☐ 1 original certificate; 4 copies? Does the signed name on the certificate correspond with the typed name?
- ☐ Did you include a computer disk?
- ☐ Did you include all questions in the preamble? Did you include the two new questions to your proposed notice and the one new question to your final notice form? (see Forms, Section 10; latest questions need to be added to your checklist – see article above)
- ☐ Have you allowed the correct time period for public hearings? (page 7-20)

## Join the team that's updating the Arizona Rulemaking Manual

Plans are in the making to revise the *Arizona Rulemaking Manual*. The *Manual* was originally prepared by a select team of members of the State Agency Rulewriters' Consortium in the fall of 1995. Volunteers are needed once again to help update this publication. For more information contact GRRC (602) 542-2058; or e-mail JMORRISON @ gv.state.az.us.

### Check your Manual for changes

Remember: Certain sections in the *Manual* have changed. Check your *Manual* to see if you have the updated information. These include: Section 6 – The Administrative Procedure Act (updated in the *Arizona Administrative Code Supplement* 98-2) and Section 9 – The Governor's Regulatory Review Council (updated in the *Arizona Administrative Code Supplement* 96-2). Contact our office if you don't have these updated sections.

# Public Services Division News

## *How to contact us:*

**To call locally** – (602) 542-4086  
**To call toll-free within the state of Arizona** – 1-800-458-5842 (you will have to leave a message)  
**To send the office a fax** – (602) 542-4366  
**To access the Secretary of State's Internet web site** – [www.sosaz.com](http://www.sosaz.com)  
**To send an e-mail:**  
**Administration**  
[bbayless@mail.sosaz.com](mailto:bbayless@mail.sosaz.com)  
**Public Services**  
**Director**  
[mgriffiths@mail.sosaz.com](mailto:mgriffiths@mail.sosaz.com)  
**Rule questions**  
**Administrative Code**  
[scancelosi@mail.sosaz.com](mailto:scancelosi@mail.sosaz.com)  
**Administrative Register**  
[rpaschal@mail.sosaz.com](mailto:rpaschal@mail.sosaz.com)

We're updating our newsletter mailing list. If your name or address is wrong, or if you would like to be removed from our mailing list, simply contact us at the phone number above.

## *Code & Register Price List*

*Arizona Administrative Code* Supplement 98-3 was released Friday, October 23, 1998. Corresponding with its release is an updated *Code & Register* Price List.

The Price List is helpful in knowing which Chapter is the latest released in the *Code*. It also has information on how to subscribe to both the *Administrative Register* and *Code*.

Keep your rules up-to-date. Contact our office today and get a new Price List. Best of all, it's free.

## *Rulewriters' Consortium slated to meet Dec. 8*

The Rulewriters' Consortium meets monthly to discuss issues and other aspects of Arizona rulemaking.

All persons involved in rule writing are invited to attend. Bring your own lunch. The Consortium meets from noon until 2 p.m. at the Department of Economic Security, Director's Conference Room, 1789 West Jefferson, Phoenix.

## *Latest addition of the Arizona Blue Book available*

The 1997-1998 *Arizona Blue Book* is now available.

The Secretary of State's office is pleased to present this edition with its special section dedicated to Arizona State Parks.

To purchase a copy, simply submit your name, address, phone

number and a check made out to the Secretary of State's office. Softbound books are \$10; hardbound copies are \$20.

Mail your request to: Secretary of State, 1700 West Washington, 7th Floor, Phoenix, Arizona 85007.

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### **BETSEY BAYLESS**

Secretary of State  
State Capitol, Executive Tower  
1700 West Washington, 7th Floor  
Phoenix, Arizona 85007

**To get on our mailing list send your name  
and address to:**

**[pubs@mail.sosaz.com](mailto:pubs@mail.sosaz.com)**